

BORALASKINLAWLIBRARY



3 1761 09573214 5

Store	Hayhurst, William L.
KF	Industrial property
2978	and unfair competition;
H3	1974 syllabus
1974	

Store
KF
2978
H3
1974

Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

<https://archive.org/details/industrialproper00hayh>

FACULTY OF LAW - UNIVERSITY OF TORONTO

INDUSTRIAL PROPERTY AND UNFAIR COMPETITION

LAW LIBRARY

OCT-31974

1974 Syllabus

FACULTY OF LAW
UNIVERSITY OF TORONTO

MATERIALS:

Patent Act, R.S.C. 1970, c. P-4, amended 1970-71-72, c. 1
Copyright Act, R.S.C. 1970, c. C-30, amended 19-20
Eliz. II, c. 60
Industrial Design Act, R.S.C. 1970, c. I-8
Trade Marks Act, R.S.C. 1970, c. T-10

A. INDUSTRIAL PROPERTY VALUES PROTECTED BY STATUTE

1. PATENTS:

References: Fox, "Canadian Patent Law and Practice". 4th ed. (1969)
Terrell, "Patents", 12th ed. (1971)
Blanco-White, "Patents for Inventions", 4th ed. (1974)

(1) Introduction:

- A1 *Statute of Monopolies, 21 Jac. I c. 3 s. 6; R.S.O. 1897 c. 323 s.5
A4 *British United Shoe v. Fussell, (1908), 25 R.P.C. 631, 649-652

(2) Subject matter:

- Lane-Fox v. Kensington, (1892), 9 R.P.C. 413, 416
A8 *G.E.C.'s Application, (1943), 60 R.P.C. 1, 4
A8a *Gottschalk v. Benson, (1972), 175 U.S.P.Q. 673
A8e *Burroughs' Application, [1974] R.P.C. 147, 154, 155-161
← Wallbourn's Application, (1972), 5 C.P.R. 112
Tennessee Eastman v. Commissioner, [1974] S.C.R. 111
Joos v. Commissioner, [1973] R.P.C. 59
A8j *"Utility and Non-Statutory Subject Matter", Manual of Patent Office Practice (Information Canada Catalogue #RG 42-3/1974), Chapter 12
Pollack's Application No. 839,690, (1972), 9 C.P.R. (2d) 283

*Extracts of cases marked with an asterisk are included in the accompanying Materials on Industrial Property and Unfair Competition.

Palmer's Application, [1970] R.P.C. 597
Schering's Application, [1971] R.P.C. 383
Waldbaum's Application No. 961,392, (1972), 5 C.P.R. (2d) 162
Lawson v. Commissioner, (1970), 62 C.P.R. 101

(3) Infringement:

- A "McPhar v. Sharpe: A Post Mortem", (1967), 21 Bulletin Patent and Trademark Institute of Canada 66 (on reserve)
Rodi v. Showell, [1969] R.P.C. 367
A12 *Union Carbide v. Trans-Canada Feeds, [1966] Ex. C.R. 884, 888-890
A13 *Wilderman v. Berk, (1925), 42 R.P.C. 79, 88
A14 *35 U.S. Code, s. 271
Copeland-Chatterson v. Hatton, (1906), 10 Ex. C.R. 224
A15 *Slater v. Payer, (1968), 38 Fox Pat. C. 139, 157, 163-4
A16 *Dunlop v. Holborn, (1901), 18 R.P.C. 222

(4) Assignments and Licenses:

- MMM v. Geerpress, [1974] R.P.C. 35, 40-41
A17 *Incandescent v. Cantelo, (1895), 12 R.P.C. 262, 264-265
A18 *National Phonograph v. Menck, (1911), 28 R.P.C. 229, 245-246

(5) Limitations on the monopoly:

- Nordenfelt v. Nordenfelt, [1893] 1 Ch. 630, 649; [1894] A.C. 535
Hazeltine v. Zenith, (1969), 395 U.S. 100
Pfizer v. F.T.C., (1968), 401 F 2d. 574
Motion Picture Patents v. Universal Film, (1917), 243 U.S. 502
A19 *Morton Salt v. Suppiger, (1942), 314 U.S. 488, 492
Darcy v. Allein, (1602), 77 E.R. 1260, 1263
A20 *Copeland-Chatterson v. Hatton, (1906), 10 Ex. C.R. 224, 237; (1906), 37 S.C.R. 651
A21 *Tool Metal v. Tungsten (1955), 72 R.P.C. 209, 213-4, 218
Stephens v. Gulf Oil, (1974), 3 O.R. (2d) 241, 255, 258-259
Rodi v. Watchstraps, (1958), 18 Fox Pat., C. 75, 83-4
RBM v. Philips, (1973), 9 C.P.R. (2d) 46; 10 C.P.R. (2d) 23
Formea v. Polymer, [1968] S.C.R. 754
Libbey-Owens-Ford v. Ford, [1970] S.C.R. 833
Peterson v. Plastiseal, (1973), 8 C.P.R. (2d) 222, 242-245

(6) The patent specification:

- A22 *Natural Colour v. Bioschemes, (1915), 32 R.P.C. 256, 269-270
Valensi v. British Radio, [1973] R.P.C. 337, 377
Minerals Separation v. Noranda Mines. (1952), 69 R.P.C. 81, 92-93

A. *B.V.D. v. Canadian Celanese, [1937] S.C.R. 221, 230, 233,
236-237
Hoechst v. Gilbert, [1966] S.C.R. 189

(7) Novelty:

A. *35 U.S. Code, s. 104
A. *Electric and Musical Industries v. Lissen, (1939), 56 R.P.C.
23, 39, 41-43

(8) Obviousness:

A. *35 U.S. Code, s. 103
Graham v. John Deere, (1965), 383 U.S. 1
A. *Technograph v. Mills, [1969] R.P.C. 395, 404-5, 407-8;
[1972] R.P.C. 346, 355, 361
A. *Rado v. Tye, [1969] F.S.R. 563, 565-6
A. *General Tire v. Firestone, [1971] R.P.C. 173, 245-6;
[1972] R.P.C. 457, 482-483, 485, 499-500
A. *Olin Mathieson v. Biorex, [1970] R.P.C. 157, 187-8
A. *Martin v. Millwood, [1956] R.P.C. 125, 133-134, 139-141
A. *Wood v. Gowshall, (1937), 54 R.P.C. 37, 40

(9) Utility:

Societe Rhone-Poulenc v. Gilbert, (1967), 35 Fox Pat. C. 174;
[1968] S.C.R. 950
Burton Parsons v. Hewlett Packard, [1973] F.C. 406
Henriksen v. Tallon, [1965] R.P.C. 434, 442-443
Metalliflex v. Rodi & Wienenberger, [1961] S.C.R. 117, 121-122

(10) The Paris Convention

2. COPYRIGHT:

References: Fox, "The Canadian Law of Copyright and Industrial
Designs", 2nd ed. (1967)
Copinger & Skone James, "Copyright", 11th ed. (1971)

(1) Introduction:

The Berne and Universal Copyright Conventions
[] *Canadian Admiral v. Rediffusion, [1954] Ex. C.R. 382, 394
Fortnightly v. United Artists, (1968), 392 U.S. 390

(2) Authorship and ownership:

Hay v. Sloan, (1958), 12 D.L.R. (2d) 397
Meikle v. Maufe, [1941] 3 All E.R. 144
Jefferys v. Boosey, (1854), 4 H.L.C. 815, 993
Teleprompter v. C.B.S., (1974), 181 U.S.P.Q. 65
Gramophone v. Cawardine, [1934] 1 Ch. 450
Vigneux v. Canadian Performing Right, [1943] S.C.R. 348, 361;
[1945] A.C. 108
Wood v. Boosey, [1867] L.R. 2 Q.B. 340
Pollard v. Photographic, (1880), 40 Ch. D. 345
Merchant Adventurers v. Grew, [1973] R.P.C. 1, 10

(3) Subject matter:

- 82 *Francis, Day & Hunter v. Twentieth Century Fox, [1939] 4 D.L.R.
353, 358-361
CAPAC v. CTV, [1968] S.C.R. 676
Hensher v. Restawile, [1974] F.S.R. 173
86 *Ladbroke v. Hill, [1964] 1 All E.R. 465, 469, 475-478
Warner Bros. v. CESM, (1971), 65 C.P.R. 215
Cuisenaire v. South West, [1969] S.C.R. 208
88 *Donoghue v. Allied, [1938] 1 Ch. 106, 109-110
89 *Moreau v. St. Vincent, [1950] Ex. C.R. 198, 204-205, 207
90 *Football League v. Littlewoods, [1959] 2 All E.R. 546, 552,
555-556

(4) Originality:

- 91 *Copinger & Skone James, 10th ed., ss. 117, 124, 125, 130, 137
Time v. Geis, (1968), 293 F. Supp. 130
92 *Walter v. Lane, [1900] A.C. 539, 548-9, 556
Lipman v. Massachusetts, (1973), 176 U.S.P.Q. 449
93 *Macmillan v. Cooper, (1923), 40 T.L.R. 186, 188

(5) Scope of Protection:

- 94 *Deeks v. Wells, [1931] 4 D.L.R. 533, 547; [1933] 1 D.L.R.
353, 356-357
Francis, Day & Hunter v. Bron, [1963] 2 All E.R. 16
95 *Hanfstaengl v. Baines, [1895] A.C. 20, 30-31
Hawkes v. Paramount, [1934] 1 Ch. 593
96 *Cartwright v. Wharton, (1912), 25 O.L.R. 357, 362-363
Chilton v. Progress, [1895] 2 Ch. D. 29
97 *Harman v. Osborne, [1967] 2 All E.R. 324, 328
98 *Nichols v. Universal Pictures, (1930), 45 F 2d. 119, 121
99 *Kantel v. Grant, [1933] Ex. C.R. 84, 87, 94-96
Williams & Wilkins v. U.S., (1974), 180 U.S.P.Q. 49
Hubbard v. Vosper, [1972] 1 All E.R. 1023, 1026-1028, 1031
Beloff v. Pressdram, [1973] R.P.C. 765

3. INDUSTRIAL DESIGNS:

References: Fox, "Canadian Law of Copyright", 2nd ed. (1967),
pp. 650-691
Russell-Clarke, "Copyright in Industrial Designs"
4th ed. (1968)

(1) Subject matter:

- C1g *Hensher v. Restawile, [1974] F.S.R. 173, 185, 187
- C1a *35 U.S. Code, s. 171
- C1a *Cimon v. Bench Made, [1965] 1 Ex. C.R. 811, 828-833
- C4 *Industrial Designs Rules, P.C. 1954-1853, s. 11
- Ware v. Anglo-Italian (No. 1), [1922] Macg. C.C. 346
- King Features v. Kleeman, [1941] A.C. 417, 427
- Mazer v. Stein, (1954), 347 U.S. 201
- *Re Clarke's Design, (1896), 13 R.P.C. 351, 358, 361
- C1b *Amp v. Utilux, [1972] R.P.C. 103, 107-110

(2) Novelty and Originality:

- C1a *Saunders v. Weil, (1893), 10 R.P.C. 29, 33
- C1a *Dean's Rag Book v. Pomerantz, (1930), 47 R.P.C. 485, 491
- C1a *Clatworthy v. Dale, [1929] S.C.R. 429, 434-5
- C1a *Rosedale v. Airfix, [1957] R.P.C. 239, 244
- C1a *Kilvington v. Goldberg, (1957), 16 Fox Pat. C. 164
- Valor v. Main Gas, [1972] F.S.R. 497, 500

(3) Infringement:

- C1a *Re Bayer's Design, (1907), 24 R.P.C. 65, 76-7
- C1a *Walker v. Scott, (1892), 9 R.P.C. 482, 485

(4) Registration:

Melnor v. Lido, [1971] S.C.R. 72

B. BUSINESS TORTS

1. PROTECTION OF INFORMATION:

References: Turner, "The Law of Trade Secrets" (1962)
 Fox, "Canadian Patent Law and Practice", 4th ed.
 (1969), Chapter 17

(1) Cases involving contractual or confidential relationships:

(a) Establishment of the relationship:

*Triplex v. Scorah, (1938), 55 R.P.C. 21, 28
 Canadian Aero Services v. O'Malley, [1974] S.C.R. 592
 Hivac v. Park Royal, [1946] Ch. 169
 United Sterling v. Felton, [1973] F.S.R. 409
 Cranleigh v. Bryant, [1966] R.P.C. 81
 *Saltman v. Campbell, (1948), 65 R.P.C. 203, 211-6
 *Coco v. Clark, [1969] R.P.C. 41, 46-50
 Kewanee v. Bicron, (1974), 181 U.S.P.Q. 673

(b) The nature of the information sought to be protected:

Morris v. Gilman, (1943), 60 R.P.C. 20, 25
 Exchange Telegraph v. Central News, [1897] 2 Ch. 48
 Nicrotherm v. Percy, [1957] R.P.C. 207
 Church of Scientology v. Kaufman, [1973] R.P.C. 635,
 649, 658

(c) Liability of persons not having obligation of contract or confidence towards the plaintiff:

Lord Ashburton v. Pape, [1913] 2 Ch. 469
 British Industrial Plastics v. Ferguson, (1941), 58
 R.P.C. 1
 *Printers v. Holloway, [1965] R.P.C. 239, 252-253
 *Restatement of Torts, s. 758
 *Conmar v. Universal, (1949), 172 F.2d. 150, 156
 *Stevenson v. MacDonald, (1951), 68 R.P.C. 190, 195;
 (1952), 69 R.P.C. 10, 16
 Abernethy v. Hutchinson, (1825), 1 H. & Tw. 28
 De Acosta v. Brown, (1944), 146 F. 2d. 408

(d) Effect of subsequent publication:

Warner-Lambert v. Reynolds, (1959), 178 F. Supp. 655
 Choisser v. Electronic, (1972), 173 U.S.P.Q. 234, 236-7
 Mustad v. Dosen, [1963] R.P.C. 41
 *Seager v. Copydex, [1967] R.P.C. 349, 367-8
 *International v. Kollar, [1968] 1 O.R. 669, 676

(2) Cases involving unfair or unlawful conduct: misappropriation

- *Beaudesert Shire Council v. Smith, (1966), 40 A.L.J.R. 211,
214-215; 120 C.L.R. 145
- Tuttle v. Buck, (1909), 119 N.W. 946
- Morrison v. N.B.C., (1965), 266 N.Y.S. 2d. 406
- *DuPont v. Christopher, (1970), 431 F. 2d. 1012
- *Victoria Park v. Taylor, (1937), 58 C.L.R. 479, 494,
496-8, 508-9
- *International News Service v. Associated Press, (1918), 248
U.S. 215, 240, 250, 257, 259, 262-3
- *Cheney v. Doris Silk, (1929), 35 F. 2d. 279
- *Capitol Records v. Erickson, (1969), App., 82 Cal. Rptr. 798
- Electrolux v. Val-Worth, (1959), 169 N.E. 2d. 197
- Eldon v. Reliable Toy, [1966] 1 O.R. 409
- Trudel v. Clairol, (1974), C.P.R. (2d)
- Therapeutic v. Life Aid, [1968], 2 Ex. C.R. 605
- *Institut National v. Chateau Gai, (1969), 57 C.P.R. 93,
148-151; (1974), 14 C.P.R. (2d) 1, 14
- Vapor v. MacDonald, [1972] F.C. 1156, 1173-5

2. TRADE MARKS, TRADE NAMES, AND THE ACTION FOR PASSING OFF:

References: Fox, "Canadian Law of Trade Marks", 3rd ed., (1972)
Kerly, "Trade Marks and Trade Names", 10th ed. (1972)

(1) Goodwill:

*Commissioners of Inland Revenue v. Muller, [1901] A.C.
217, 223-5, 235-6

Leather Cloth v. American Leather Cloth, (1863), 4 De
G.J. & Sm. 137

Reddaway v. Banham, [1896] A.C. 199

*Singer v. Loog, (1880), 18 Ch. D. 395, 412

*Haig v. Forth Blending, (1953), 70 R.P.C. 259, 261

(2) Trade Marks Act s. 7 (b), (c) and the elements of passing off:

(a) Length of time plaintiff has traded:

*Licensed Victuallers v. Bingham, (1888), 38 Ch. D.
139, 142-143

Stannard v. Reay, [1967] R.P.C. 589

Maxwell v. Hogg, (1867) L.R. 2 Ch. 307

Chandon v. San Marino, (1964), 335 F. 2d 531

(b) Territorial extent of plaintiff's reputation:

*Brestian v. Try, [1958] R.P.C. 161, 170, 173

G.E. Trade Mark, [1972] 2 All E.R. 507, 519

*Ewing v. Buttercup, (1917), 34 R.P.C. 232, 237, 239

Stork Restaurant v. Sahati, (1948), 166 F. 2d. 348

Sund v. Beachcombers, (1961), 25 D.L.R. 2d. 54

Levitz v. Levitz, (1972), 5 C.P.R. 2d. 13

*Bernardin v. Pavilion, [1967] R.P.C. 581, 584, 588

Maison Prunier v. Prunier's Restaurant, (1936), 288
N.Y.S. 2d 529

Brewster Transport v. Rocky Mountain Tours, [1931]
S.C.R. 336

Barratt v. Auto Electric, (1954), 14 Fox Pat. C. 143

(c) Risk of Damage:

*Johnston v. Orr Ewing, (1882), 7 A.C. 219, 229-230

*Day v. Brownrigg, (1878), 10 Ch. D. 294, 304-305

*McCulloch v. May, (1948), 65 R.P.C. 58, 64

*Walter v. Emmott, (1885), 54 L.J. Ch. 1059, 1061-1065

Fisher v. Star, (1921), 132 N.E. 133
 Shaw v. Golden Harvest, [1972] R.P.C. 559

(d) Similarity of activities:

*Yale v. Robertson, (1928), 26 F 2d. 972, 973-974
 *Harrods Ltd. v. R. Harrod Ltd., (1923), 41 R.P.C. 74,
 81, 87
 Notre Dame v. Twentieth Century-Fox, (1965), 259 N.Y.S.
 2d. 832
 Sim v. Heinz, [1959] R.P.C. 75
 *Krouse v. Chrysler, (1974), 1 O.R. (2d) 225
 Lugosi v. Universal Pictures, (1972), 172 U.S.P.Q. 541
 Booth v. Colgate-Palmolive, (1973), 179 U.S.P.Q. 819
 Annabel's v. Schock, [1972] R.P.C. 838, 844
 Commentary, (1974), 52 Can. Bar Rev. 297

(e) Similarity of marks:

*Seixo v. Provezende, (1866), L.R. 1 Ch. App. 192, 194-7
 *Hughes v. Sherriff, [1950] O.R. 206, 216-217
 Tartan v. Carling, [1970] S.C.R. 323
 *Saville v. June Perfect, (1941), 58 R.P.C. 147, 160-163

(f) Nature and extent of recognition and of relief:

Cellular v. Maxton, (1899), 16 R.P.C. 397, 408
 Reddaway v. Banham, [1896] A.C. 199
 *Treasure Cot v. Hamley, (1950), 67 R.P.C. 89, 91, 93

(i) Descriptive terms:

*Fawcett v. Valentine, [1950] Ex. C.R. 246, 254
 Fawcett v. Popular Mechanics, (1937), 92 F. 2d. 181
 *Office Cleaning Services, Ltd. v. Westminster
 Window, (1946), 63 R.P.C. 39, 41-43
 *Burberrys v. Cording, (1909), 26 R.P.C. 693,
 701, 704
 *Havana Cigar v. Oddenino, (1923), 41 R.P.C. 47,
 55-56, 61
 Bollinger v. Costa Brava, [1960] R.P.C. 16;
 [1961] R.P.C. 116
 *Vine Products v. Mackenzie, [1969] R.P.C. 1,
 23-24, 27, 29

(ii) Surnames:

*Chivers v. Chivers, (1900), 17 R.P.C. 420, 429-430

(iii) Geographical Terms:

*Huntley v. Reading, (1893), 10 R.P.C. 277, 280-281

(iv) Name of the goods:

Linoleum v. Nairn, (1878), 7 Ch. D. 834

(v) Get-up:

*Lever v. Goodwin, (1887), 4 R.P.C. 492, 506

Wampole v. Hervay, [1929] Ex. C.R. 78

Haig v. Forth, (1953), 70 R.P.C. 259, 261

*Parke, Davis v. Empire, [1964] S.C.R. 351, 354,
357-358

*Edge v. Niccolls, (1911), 28 R.P.C. 582, 588, 594

Sears v. Stiffel, (1964), 376 U.S. 225

*Compco v. Day-Brite, (1964), 376 U.S. 234, 237-9
Boston Hockey Assn. v. Dallas Cap, (1973), 179
U.S.P.Q. 480

(3) Registration of trade marks:

Nicholson's Application, (1932), 49 R.P.C. 88

MacEachern v. National Rubber, [1964] Ex. C.R. 135, 142

Siscoe v. Munn, [1959] Ex. C.R. 445, 468-469

Manhattan v. Princeton, (1972), 4 C.P.R. (2d) 6

Porter v. Don the Beachcomber, [1966] Ex. C.R. 982

Wian v. Mady, [1965] 2 Ex. C.R. 3

Marineland v. Marine Wonderland, (1974), C.P.R. (2d)

(4) The rights acquired by trade mark registration:

(a) Section 20: bona fide use:

*Bonus v. Essex, [1965] 1 Ex. C.R. 735, 753-754

Burger King v. Hoots, (1968), 403 F 2d. 904

Joseph Rodgers & Sons Ltd. v. W.N. Rodgers & Co., (1924),
41 R.P.C. 277

The Hurlbut Company v. The Hurlburt Shoe Company, [1925]
S.C.R. 141

Talbot v. Wembley, (1886), 3 R.P.C. 276

*Stone v. Steelace, (1929), 46 R.P.C. 406, 416-419

(b) Section 22: depreciating the value of goodwill:

*Clairol v. Thomas, [1968] 2 Ex. C.R. 552, 566, 568-570
575

(c) Section 19: exclusive right to use:

Wembley v. Wembley, [1948] O.R. 341
 Building Products v. B.P. Canada, (1961), 21 Fox Pat. C.
 130, 140
 Gattuso v. Gattuso, [1968] 2 Ex. C.R. 609, 618

(5) Distinctiveness:

(a) Statutory definition, s. 2(f):

Registrar v. Hardie, [1949] S.C.R. 483, 489
 Liverpool Cable's Application, (1929), 46 R.P.C. 99, 124
 Great Lakes v. The Noshery, [1968] 2 Ex. C.R. 622, 636
 Home Juice v. Orange Maison, [1970] S.C.R. 942
 Somerlite v. Brown, (1934), 51 R.P.C. 205, 239
 Sarco v. Sarco, [1968] 2 Ex. C.R. 537, 542
 "Weston" Trade Mark, [1968] R.P.C. 167, 184
 "Bostitch" Trade Mark, [1963] R.P.C. 183, 197
 "GE" Trade Mark, [1970] R.P.C. 339; [1973] R.P.C. 297
 *Lea's Application, (1913), 30 R.P.C. 216, 221-222
 *Aladdin v. Canadian Thermos, [1969] 2 Ex. C.R. 80,
 113-114, 119-120

(b) Effect of assignment:

Pinto v. Badman, (1891), 8 R.P.C. 181, 191-195
 Globelegance v. Sarkissian, [1974] R.P.C. 603, 605
 *Lacteosote v. Alberman, (1927), 44 R.P.C. 211, 223-225
 Dunlop v. Booth, (1926), 43 R.P.C. 139, 145-146
 A & P v. Registrar, [1945] Ex. C.R. 233, 242
 Wilkinson Sword v. Juda, [1968] 2 Ex. C.R. 137
 Magder v. Breck's, [1973] F.C. 360
 Leather Cloth v. American Leather Cloth, (1863), 4 De
 G.J. & S. 137; (1865), 11 H.L.C. 523, 534-535

(c) Effect of licensing:

*G.E. Trade Mark, [1969] R.P.C. 418, 448, 454; [1970]
 R.P.C. 339, 372, 395; [1973] R.P.C. 297, 336
 Hensher v. Restawile, [1972] F.S.R. 557, 561-562
 *Coles v. Need, (1933), 50 R.P.C. 379, 386-388
 Coca-Cola v. Pepsi-Cola, [1938] Ex. C.R. 263, 291-292
 Good Humor v. Good Humor, [1937] Ex. C.R. 61, 73-74
 Gray Rocks v. Snowy Eagle, (1972), 3 C.P.R. (2d) 9
 Sund v. Beachcombers (1961), 27 D.L.R. 2d. 434
 Robinson v. Finlay, (1878), 9 Ch. D. 487

Gattuso v. Gattuso, [1968] 2 Ex. C.R. 609
*Bowden Wire v. Bowden Brake, (1914), 31 R.P.C. 385, 392
Dubiner v. Cheerio, [1965] 1 Ex. C.R. 524, 538-544,
556-560; [1966] S.C.R. 206, 221-222
Cheerio v. Cheerio, [1965] 1 Ex. C.R. 562
Weight Watchers v. Weight Watchers, (1973), 8 C.P.R.
(2d) 118

(6) Limitations on the rights of trade mark owners:

Siegel v. Chicken Delight, (1971), 448 F. 2d 43
U.S. v. Arnold, Schwinn, (1967), 388 U.S. 365
Zeiss v. V.E.B., (1969), 161 U.S.P.Q. 414, 419

(7) False or misleading representations:

Hubbuck v. Wilkinson, [1899] 1 Q.B. 86
R. v. Contour Slim, (1973), 9 C.P.R. (2d) 107
R. v. Cunningham, (1974), 13 C.P.R. (2d) 244
*S. & S. v. Rowell, [1966] S.C.R. 419, 424-425

